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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,831	09/01/1999	GREGORY EUGENE BORCHERS	8371-30	4488

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/388,831

Applicant(s)
Gregory Borchers

Examiner
Shawn An

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 and 14-17 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Furthermore, the Examiner believes the Patent No. 5,598,898, Vehicle Antitheft System, (page 2, line 9) is not addressing color compensation for computer screens and thus, irrelevant to the application.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yui (5,677,741).

Yui discloses a real time video system/method for adjusting real time color images encoded in a video signal for producing a display, comprising:

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a decoder (Fig. 8, 87) for decoding the video signal into at least one original color signal; and a processor (Fig. 7, 80) for receiving the color signal, and for outputting to the screen (75) adjusted color signal from the original color signal for compensating for a first type of color blindness as specified in claims 1 and 8.

Regarding claim 2, Yui discloses a processor (7), outputting a second adjusted color signal for compensating a second type of color blindness, and means for selecting to output one of the first and the second adjusted color signal (col. 4, lines 7-24) as specified.

Regarding claim 3, Yui discloses series of ordered sets of original samples, wherein the adjusted color signal is associated with a series of ordered sets of samples according to a first color adjustment predefined for first type of color blindness (9 or 88) as specified.

Regarding claim 4, Yui discloses memory (9 or 88) coupled with the processor and having stored therein the sets of original values and the first set of adjusted values as specified.

Regarding claim 5, Yui discloses means for combining the original samples of a single ordered set thereby generating a single sample for inputting into the memory as an address (12, 7) as specified.

Regarding claim 6, Yui discloses the memory reading out a single sample for each ordered set of original samples, and the means for extracting sample output by the memory an ordered set of adjusted samples (col. 3, lines 23-67) as specified.

Regarding claim 7, Yui discloses a screen (6 or 75) for receiving the adjusted color signal as specified.

Regarding claims 9 and 11, Yui discloses using a reference color image to generate one reference color signal, generating an adjusted color signal from the reference color signal according to a first/second tested transform, applying the adjusted signal to the screen for displaying a reference image adjusted for the type of color blindness, accepting an input from a viewer as to whether the adjusted reference image is desirable, and if the adjusted reference image is desirable, using the tested transform (Figs. 1, 4, and 7) as specified.

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Regarding claim 13, Yui discloses digitizing (76) the original color signal, and generating being performed by looking up in a memory an adjusted value corresponding to the original value (80) as specified.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yui (5,677,741). Yui discloses a keyboard (13) for entering an input. Even though Yui does not particularly disclose a remote control unit, it is obviously well known to use a remote control unit, such as a TV remote controller, as a means to enter input.

Allowable Subject Matter

7. Claims 12 and 14-17 are objected to as being dependent upon a rejected base claim 8, but would be allowable: if claim 12 is rewritten in independent form including all of the limitations of the base claim 8 and any intervening claims; and/or if claim 14 is rewritten in independent form including all of the limitations of the base claim 8 and any intervening claims. Dependent claim 12 recites a novel feature of partitioning the screen into a plurality of sections, and wherein the adjusted reference image is displayed in only one of the sections. Dependent claims 14-17 recite novel features comprising: selecting a set of coordinates for defining a color space; selecting a type of color blindness; characterizing the selected type of color blindness with respect to the

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coordinates as at least one discernible region in the color space; selecting a color gamut adjustment that maps at least one region outside the discernible region into the discernible region; generating the original values and the adjusted values that perform the color gamut adjustment; and storing the original values and the adjusted values in a look up table in the memory.

The art of record fails to anticipate or make obvious the novel features as specified in the dependent claims 12 and 14-17. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- A) Hickey (5,475,835), Audio-visual inventory and play-back control system.
- B) Siwoff (5,359,675), Video spectacles.

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday through Friday.

SEP
SSA

May 28, 2002


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes ~~incorporated~~ therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.